IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

OP.No. 24229 of 2002(H)

PETITIONER:

M.M.MARACKAR LEBBA, HEADMASTER,
A.M.L.P.SCHOOL, KADUVALLUR, P.O.KODINHI,
THIRURANGADI VIA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:

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1. **STATE OF KERALA, REP.BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.**

3. **THE ASSISTANT EDUCATIONAL OFFICER, TANUR, MALAPPURAM DISTRICT.**

4. **THE AUDIT & ACCOUNTANT GENERAL OF KERALA THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. T.T.MUHAMOOD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.41029/2002 IN O.P.NO.24229/2002 H

CLOSED

7/09/2007 **SD/- S.SIRI JAGAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE AUDIT OBJECTION RAISED BY THE 4TH RESPONDENT.**

EXT.P2: **COPY OF THE REPRESENTATION DTD. 5/05/2001 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

EXT.P3: **COPY OF THE PROCEEDING NO.B/1970/2000 DTD. 20/10/2001 ISSUED BY THE 3RD RESPONDENT.**

EXT.P4: **COPY OF THE PROCEEDING NO.G4/33583/2000 DTD. 20/11/2001 ISSUED BY THE 2ND RESPONDENT.**

EXT.P5; **COPY OF THE REPRESENTATION DTD. 11/09/2001 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P6: **COPY OF THE ORDER BEARING NO.62537/B1/01/GE DTD. 30/01/2002 ISSUED BY THE 1ST RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

OP NO. 24229 OF 2002 - H

Dated this the 7th day of September, 2007

J U D G M E N T

The petitioner challenges Ext.P1 audit objection and Ext.P6 order passed by the Government on the representation filed by the petitioner. The petitioner was granted 20 years Higher Grade with effect from 20.2.1992, the date on which he had completed 20 years of service as Headmaster. Consequently, the petitioner's pay was fixed with effect from 21.2.1992 in the scale of pay of Rs.1450-2825. As per 1992 Pay Revision, the scale of pay was revised at the rate of Rs.2525/- per month in the scale of pay of Rs.2060-3200 with effect from 1.3.1992. In the pre-revised scale namely, Rs.1450-2825, the petitioner would have drawn increment on 1.2.1993 and the next increment in the revised scale of Rs.2060-3200 would have become due only on 1.2.1993. However, the increment was sanctioned with effect from 1.7.1992. This was pointed out in Ext.P1. The petitioner has not brought out anything in the writ petition to discredit the audit objection. His contention is that if the petitioner has not been granted 20

years grade with effect from 20.2.1992, he would have been entitled to opt for the 20 years grade also after the 1992 pay revision and consequently, he would have received better benefits.

2. Admittedly, there was a mistake in sanctioning of the increment to the petitioner earlier than the due date. That being so, the petitioner cannot validly challenge Ext.P1 audit objection. The fact that if the petitioner had not been granted higher grade, he would have been eligible to opt under the 1992 pay revision for 20 years higher grade also which would have resulted in better benefits to him even if correct, is not a ground to challenge Ext.P1 audit objection, especially since the petitioner had opted for the higher grade and got his pay fixed, accordingly. In the above circumstances, I do not find any merit in the original petition and the same dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

O.P. NO. 24229 OF 2002

J U D G M E N T

DATED: 07-09-2007